

## AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application.

### **Listing of Claims:**

1-27 (Canceled)

28. (Currently amended) A passive cardiac reinforcement device for constraining outward expansion of a heart wall of a patient's heart during diastole, said device comprising:

a jacket for exerting a variable amount of pressure on the heart as a function of an amount of dilation of the heart, the jacket constructed from a biomedical material, said biomedical material being elastic and radiopaque, and said jacket having an apical end and a base end and a predetermined size selected to surround an external surface of said heart.

29. (Canceled)

30. (Previously presented) A device according to claim 28 wherein said jacket is sized to constrain diastolic expansion.

31. (Previously presented) A device according to claim 28 wherein said material is formed in an open cell construction with a plurality of open cells defined by interconnected, elongated elements.

32. (Previously presented) A device according to claim 28 wherein said jacket is sized to be applied to the epicardium of the heart.

33. (Previously presented) A device according to claim 28 wherein said jacket is sized to be applied to the pericardium of the heart.

34. (Previously presented) A device according to claim 28 wherein the biomedical material that is radiopaque is platinum, titanium, or stainless steel.